

98TH CONGRESS
2D SESSION

H. R. 4222

IN THE SENATE OF THE UNITED STATES

AUGUST 8 (legislative day, AUGUST 6), 1984

Received

AUGUST 9 (legislative day, AUGUST 6), 1984

Ordered held at the desk pending further disposition

AN ACT

To make certain technical amendments with respect to the court of appeals for the Federal circuit, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That this Act may be cited as the "Technical Amendments to
4 the Federal Courts Improvement Act of 1982".

5 SEC. 2. (a) Section 1292(b) of title 28, United States
6 Code, is amended by inserting "which would have jurisdic-
7 tion of an appeal of such action" after "The Court of Ap-
8 peals".

9 (b) Section 1292(c)(1) of title 28, United States Code, is
10 amended by inserting "or (b)" after "(a)".

1 SEC. 3. Section 337(c) of the Tariff Act of 1930 (19
2 U.S.C. 1337(c)) is amended in the fourth sentence by insert-
3 ing “, within 60 days after the determination becomes final,”
4 after “appeal such determination”.

5 SEC. 4. (a) Sections 142, 143, and 144 of title 35
6 United States Code, are amended to read as follows:

7 **“§ 142. Notice of appeal**

8 “When an appeal is taken to the United States Court of
9 Appeals for the Federal Circuit, the appellant shall file in the
10 Patent and Trademark Office a written notice of appeal di-
11 rected to the Commissioner, within such time after the date
12 of the decision from which the appeal is taken as the Com-
13 missioner prescribes, but in no case less than 60 days after
14 that date.

15 **“§ 143. Proceedings on appeal**

16 “With respect to an appeal described in section 142 of
17 this title, the Commissioner shall transmit to the United
18 States Court of Appeals for the Federal Circuit a certified list
19 of the documents comprising the record in the Patent and
20 Trademark Office. The court may request that the Commis-
21 sioner forward the original or certified copies of such docu-
22 ments during pendency of the appeal. In an ex parte case,
23 the Commissioner shall submit to the court in writing the
24 grounds for the decision of the Patent and Trademark Office,
25 addressing all the issues involved in the appeal. The court

1 shall, before hearing an appeal, give notice of the time and
2 place of the hearing to the Commissioner and the parties in
3 the appeal.

4 **"§ 144. Decision on appeal**

5 "The United States Court of Appeals for the Federal
6 Circuit shall review the decision from which an appeal is
7 taken on the record before the Patent and Trademark Office.
8 Upon its determination the court shall issue to the Commis-
9 sioner its mandate and opinion, which shall be entered of
10 record in the Patent and Trademark Office and shall govern
11 the further proceedings in the case."

12 (b) Paragraphs (2), (3), and (4) of subsection (a) of sec-
13 tion 21 of the Act entitled "An Act to provide for the regis-
14 tration and protection of trademarks used in commerce, to
15 carry out the provisions of certain international conventions,
16 and for other purposes", approved July 5, 1946 (15 U.S.C.
17 1071(a) (2), (3), and (4)), are amended to read as follows:

18 "(2) When an appeal is taken to the United States
19 Court of Appeals for the Federal Circuit, the appellant shall
20 file in the Patent and Trademark Office a written notice of
21 appeal directed to the Commissioner, within such time after
22 the date of the decision from which the appeal is taken as the
23 Commissioner prescribes, but in no case less than 60 days
24 after that date.

1 “(3) The Commissioner shall transmit to the United
2 States Court of Appeals for the Federal Circuit a certified list
3 of the documents comprising the record in the Patent and
4 Trademark Office. The court may request that the Commis-
5 sioner forward the original or certified copies of such docu-
6 ments during pendency of the appeal. In an ex parte case,
7 the Commissioner shall submit to that court a brief explain-
8 ing the grounds for the decision of the Patent and Trademark
9 Office, addressing all the issues involved in the appeal. The
10 court shall, before hearing an appeal, give notice of the time
11 and place of the hearing to the Commissioner and the parties
12 in the appeal.

13 “(4) The United States Court of Appeals for the Federal
14 Circuit shall review the decision from which the appeal is
15 taken on the record before the Patent and Trademark Office.
16 Upon its determination the court shall issue its mandate and
17 opinion to the Commissioner, which shall be entered of
18 record in the Patent and Trademark Office and shall govern
19 the further proceedings in the case.”.

20 (c) The amendments made by this section shall apply to
21 proceedings pending in the Patent and Trademark Office on
22 the date of the enactment of this Act and to appeals pending
23 in the United States Court of Appeals for the Federal Circuit
24 on such date.

Attest: BENJAMIN J. GUTHRIE,
Clerk.